

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RAYMOND A. TWYFORD, III,

Petitioner,

v.

**WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,**

Respondent.

Case No. 2:03cv906

Chief Judge Algenon L. Marbley

Chief Magistrate Judge Deavers

ORDER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 18 U.S.C. § 2254. This matter is before the Court upon Respondent-Warden's Corrected Motion to Stay the Court's March 19, 2020 Order. (ECF No. 112.)


On March 19, 2020, this Court granted Petitioner's motion for an Order directing his custodian, the Warden-Respondent, to transport Petitioner to The Ohio State University Medical Center for neurological imaging, to include a PET-CT scan. (Opinion and Order, ECF No. 109.) On March 25, 2020, Respondent filed a Notice of Appeal of the Court's Order, to the United States Court of Appeals for the Sixth Circuit. (ECF No. 110.) Respondent now seeks a stay of the Court's Order to Transport pending resolution of that appeal. Petitioner has not filed a response.

In requesting a stay of the Court's Order, Respondent argues that in the absence of a stay, "the Warden will be deprived of a remedy, as transporting Petitioner Twyford will render moot the Warden's appeal." (ECF No. 112, at PageID 7118). Additionally, Respondent argues a stay

will not harm others, Petitioner will not suffer prejudice, and “the public interest is served generally by clarifying the authority of the district court to order the transportation of condemned prisoners beyond the secure confines of the institution.” (*Id.*)

“The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). Thus, while this Court retains jurisdiction over matters not implicated by the appeal, the Order to Transport has effectively been stayed by the filing of Respondent’s timely notice of appeal. Accordingly, the Court **GRANTS** Respondent’s motion to stay the Court’s March 19, 2020 Order, (ECF No. 112), pending resolution of Respondent’s appeal.

IT IS SO ORDERED.



ALGENON L. MARBLEY
Chief United States District Judge